

REMARKS

This application includes pending claims 80-86, 89-98, 101-110 and 113-115. By this amendment, claims 80, 83, 85, 92 and 104 are amended

The Office Action asserts that Applicant conceded on April 6, 2006 that the priority date of the parent application is not available to this application. claims addressed to these entities are accorded the filing date of the instant application, April 27, 2000. This assertion is traversed. As asserted in the April 7, 2006 Response, the Office has failed to establish that the application is not entitled to the filing date of the parent application.

In particular, while this continuation-in-part application may expand on certain ideas in the parent application, this does not mean that the claims are not entitled to the filing date of the parent application. The Office Action refers to the terms "data controller, data repository and authorized data recipient" as not being in the prior application. However, the term "data controller" does not appear in the claims. Further, the Office Action interprets the "data recipient" as being a merchant. The merchant and a data repository are supported by the parent application.

It is again respectfully asserted that the Examiner has improperly asserted that the present application is entitled to only the filing date of the present application. As indicated in MPEP 201.08, unless the filing date of an earlier application is actually needed to overcome a reference, there is no need for the office to make a determination as to whether the earlier application discloses the invention in a continuation-in-part situation. The MPEP indicates that an alleged continuation-in-part application should be allowed to claim the benefit of the earlier application if there is a common inventor, the applications were co-pending and the continuation-in-part application contains a reference to the earlier filed application.

Further, even if the cited reference was an intervening reference, before concluding claims of the present application are not entitled to the filing date of the parent application, the

Examiner would have to make a finding that the claims of the application are not supported by the specification of the parent application. Moreover, as indicated in the MPEP, the present situation does not make such a determination necessary. It is asserted that it is improper for the Examiner to require Applicants to point out support in the parent application for certain claimed features when there is no intervening reference being applied, and applicants request that the Examiner withdraw the unsupported statement that the claims are only entitled to the April 27, 2000 filing date. It is also asserted that it is improper for the Examiner to further request that Applicant identify which inventor(s) contributed which features claimed in the present application that were also present in one or more prior application with different inventors. Applicants will address any new assertion of according an effective filing date after seeing the new office action as explained above.

The Office Action rejects claims 83 and 85 under 35 USC 112, second paragraph. The term "preferred" has been deleted from the claims. Withdrawal of the rejection is requested.

The Office Action rejects claims 80, 81, 92, 93, 95, 104 and 105 under 35 U.S.C. 102 over Paltenghe (US Pub. 20010011250) and rejects claims 82-86, 89-91, 94, 96-98, 101-103, 106-110 and 113-115 under 35 USC 103(a) over Paltenghe in view of Myers (U.S. Patent 6,915,271). These rejections are respectfully traversed.

Independent claims 80, 92 and 104 recite a method, system or machine-readable medium for facilitating transactions over a computer network that includes receiving, from a data subject network communication device, an offer associated with a data recipient and a message including a network communication device software identifier, the offer and the message being received at a data repository computer, the offer originating from the data subject accessing a Web page of the data recipient. These claims are allowable over the prior art for at least the following reasons.

Paltenghe does not disclose such a method, system or machine-readable medium where the offer originates from the data subject accessing a Web page of the data recipient. In fact, Paltenghe specifically teaches away from such a modification. In [0061] Paltenghe indicates that merchant offers which satisfy consumer criteria are forwarded by the information bank 23 to the

consumer 25, and that the merchant will not know the identity or address information of the consumer, nor will the consumer 25 know the identity of the merchant. Instead, offers meeting consumer profiles are forwarded by the information bank to the consumer [0062]. Meyer does not resolve these deficiencies. Withdrawal of the rejections is requested.

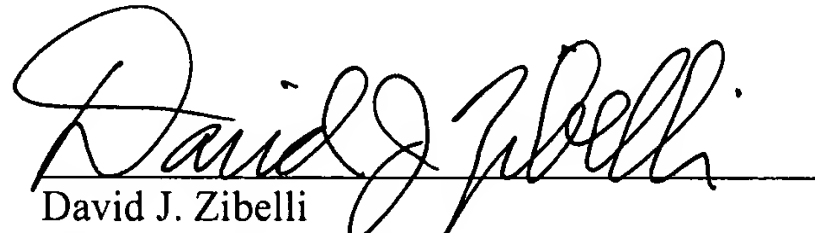
For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any fees due under 37 C.F.R. §§ 1.16, 1.17 or 1.136 to deposit account 11-0600. In view of the remarks submitted above, the Applicants respectfully submit that the present case is in condition for allowance.

Should the Examiner have any questions concerning this matter, he is invited to contact Applicants' undersigned attorney at 202/220-4334.

Respectfully submitted,

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